

REMARKS

After the foregoing Amendment, Claims 31-46 are currently pending in this application. Claims 31, 32, 39, and 40 are amended.

Double Patenting Rejection

Claims 31-46 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 21 of U.S. Patent No. 5,841,768. A Terminal Disclaimer is submitted herewith to overcome the double patenting rejection. The withdrawal of the obviousness-type double patenting rejection is respectfully requested.

Claim Rejections - 35 USC §112

The Examiner rejected claims 31-46 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claims 31, 32, 39, and 40 are amended and the withdrawal of the rejection of claims 31-46 is respectfully requested.

Claim Rejections - 35 USC §103(a)

Claims 31-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,590,889 to Preuss (hereinafter "Preuss") in view of U.S. Publication No. US2004/0005020 to Dent (hereinafter "Dent").

As stated in our prior response, the Applicants disagree with the Examiner's use of Dent as prior art. The present patent application claims priority at least to U.S. Patent No. 5,799,010 (U.S. Application No. 08/669,775) filed on June 27, 1996. Please note that Dent claims priority to U.S. Patent No. 6,625,200 filed on January 25, 1999.

The Applicants agree that the present application is a continuation-in-part (CIP) application of U.S. Patent No. 6,215,778 (U.S. Application No. 08/956,740) filed October 23, 1997, which is a continuation (CON) of U.S. Patent No. 5,799,010 (U.S. Application No. 08/669,775) filed June 27, 1996. However, we respectfully assert that the present application is entitled to the benefit of the earlier filing dates of the CIP and CON applications, both of which have an earlier filing date than Dent. Please note that U.S. Patent No. 5,799,010 incorporates U.S. Patent No. 5,841,768 by reference in column 47, lines 47-52. U.S. Patent No. 5,841,768 was also filed on June 27, 1996. In the following paragraphs, we will show support for the pending claims in the pending application using U.S. Patent Nos. 5,799,010 and 5,841,768.

In claim 31, support for a "code division multiple access base station" is found in Figure 1, column 11, lines 1-14, and column 36, line 61 to column 41, line 31 of the '010 patent. Further, support for a "linear feedback shift register configured to produce a code" as recited in claim 31 is found in column 17, lines 15-26, column 18, lines 24 to column 19, line 22, and column 23, lines 13-16, 18-21, 22-25, and 27-30 of the '010 patent (see Table 5a referring to the two channels for each Quadrature for LAXPT(3) to LAXPT(0)).

Additionally, support for a "code detector configured to detect repeatedly transmitted first signals using the code, each first signal including a first portion of the code and the first signals are used to aid in acquisition of a second signal" as recited in claim 31 is found in column 22, lines 15-18 and 25-32, column 23, lines 13-16, 18-21, 22-25, and 27-30 (see Table 5a referring to the two channels for each Quadrature for LAXPT(3) to LAXPT(0)), column 24, lines 44-47, column 47, lines 45-63 of the '010 patent and Figure 9 (element 62), column 7, line 64 to column 8, line 1, column 8, lines 44-50, and column 9, lines 10-14 of the '768 patent.

Lastly, support for the "code detector is configured, after detection of the first signal, to detect the second signal using the code" as recited in claim 31 is found column 23, lines 13-16, 18-21, 22-25, and 27-30 (see Table 5a referring to the two channels for each Quadrature for LAXPT(3) to LAXPT(0)), column 47, lines 57-63 of

the '010 patent and column 7, line 64 to column 8, line 1, column 8, lines 39-50, column 9, lines 10-14 of the '768 patent.

Claims 32 and 33 are supported in column 17, lines 65-67 and column 23, lines 12-32 of the '010 patent(see Table 5a referring to the $C_{42} \oplus C^*$ sequence to the $C_{59} \oplus C^*$ sequence).

Claims 34 and 35 are supported in column 14, lines 52-54, column 58, lines 3-37 of the '010 patent. Claim 34 is further supported in Figure 9 (element 60) of the '768 patent.

Claim 36 is supported in column 14, lines 52-54 and column 58, lines 3-37 of the '010 patent.

Claim 37 is supported in column 47, lines 57-63 of the '010 patent and column 7, lines 31-36 of the '768 patent.

Claim 38 is supported in column 57, lines 44-49 of the '010 patent and column 10, lines 14-30 of the '768 patent.

Claims 39-47 recite claims similar to those supported above but are directed towards a code division multiple access communication unit. Accordingly, please use the support provided in the paragraphs above with respect to claims 31-38 to support the claim elements recited in claims 39-47.

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Application No.: 09/742,578

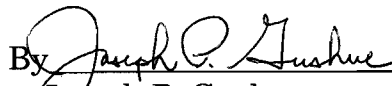
Based on the arguments and support for the pending claims provided above, the Applicants respectfully request that that rejection of claims 31-46 be withdrawn.

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 31-46, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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